

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-CR-00259-RJC-DCK

USA)
)
v.) ORDER
)
GABRIEL NEAL (9))
)

THIS MATTER comes before the Court upon the defendant's request for his entire case file at no cost. (Doc. No. 483). This Court entered its Judgment on August 17, 2010, (Doc. No. 282: Amended Judgment), and the United States Court of Appeals for the Fourth Circuit dismissed his appeal on April 19, 2011, (Doc. No. 299: Order). This Court denied his Motion to Vacate, (Doc. No. 333), and the Fourth Circuit denied a certificate of appealability, (Doc. No. 342: Opinion). He did not appeal the revocation of his supervised release and resulting sentence in 2016. (Doc. No. 375: Revocation Judgment).

In order to obtain copies of transcripts at government expense, a defendant must show that he is indigent and that the transcripts "are needed to decide the issue presented by the suit ..." 28 U.S.C. § 753(f). Additionally, a court may order a clerk of court to provide documents to a petitioner who has been granted permission to proceed in forma pauperis on an application for a writ of habeas corpus. 28 U.S.C. § 2250. However, a prisoner is not entitled to free transcripts and documents without a showing of need, merely to comb the record in hopes of discovering some flaw, United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963), particularly when no

appeal is pending and a § 2255 motion has not been filed, In re O'Kane, 91 F.3d 132, at *1 (4th Cir. June 27, 1996) (unpublished).

Here, the defendant has not shown a particularized need for transcripts and documents to decide a pending issue. Therefore, his request will be denied. He may receive, at his own expense, copies from the Clerk of Court at the rate of \$.50 per page, paid in advance. 28 U.S.C. § 1914. According to the practice in this District, the defendant must submit the list of requested documents in writing to the Clerk's Office, Charles R. Jonas Federal Building, 401 West Trade Street, Room 1200, Charlotte, North Carolina, 28202, and pre-pay by cash, check, or money order payable to Clerk, United States District Court.

IT IS, THEREFORE, ORDERED that defendant's request for documents and transcripts, (Doc. No. 483), is **DENIED**.

Signed: September 12, 2023



Robert J. Conrad, Jr.
United States District Judge
